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09/940,141	08/23/2001	Douglas A. Cheline	PD-201118	6304

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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/940,141
Filing Date: August 23, 2001
Appellant(s): CHELINE ET AL.

GEORGANN GRUNEBACH
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 06/19/2007 appealing from the office action mailed 03/15/2006 and advisory action mailed on 05/25/2006.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal in the brief is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

US 20020178361 A1	Genty et al	11-2002
US 20020169988 A1	Vandergeest et al	11-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

1. Claims 1-5, 8-9, 11-16, 19-20 and 22-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Genty et al (2002/0178361), hereinafter referred as Genty.

a. As per claims 1, 11, 13 and 22, Genty discloses: receiving a request to establish a VPN session with a server-side system from at least one client computer out of a plurality of client computers coupled to a modem ([0006]: ISDN) within a client-side system, where said request contains login details for a user of said at least one client computer (figures 1 and 2, paragraphs [0003] and [0216]); determining a network address of said at least one client computer (abstract); authenticating said user based on said user login details (paragraphs [0003], [0011] and [0012]); and establishing a VPN tunnel between said at least one client computer having said network address and said server-side system, where said VPN tunnel is established over said modem (abstract, figures 1 and 2, paragraphs [0015]-[0018]); receiving a new request to establish a new VPN session with a different server-side system from a different client computer out of said plurality of client computers coupled to said modem within said client-side system, where said request contains new login details for a new user of said different client computer (paragraphs [0009], [0040]); determining a new network address of said different client computer (paragraph [0012]); authenticating said new user based on said new use login details (paragraph [0009]); and establishing a new VPN tunnel between said different client computer having said

new network address and said new server-side system, where said VPN tunnel is established over said modem (paragraph [0047]).

b. As per claim 2, Genty teaches obtaining security details from a client (paragraph [0010]).

c. As per claims 3 and 14, Genty teaches a collection log to extract the network address of at least on computer (paragraph [0010]).

d. As per claims 4 and 15, Genty teaches storing the network address (abstract).

e. As per claims 5 and 16, Genty teaches the authentication process (paragraphs [0003], [0011] and [0012]).

f. As per claims 8 and 19, Genty teaches ascertaining an Internet protocol address of the client (abstract).

g. As per claims 9 and 20, Genty teaches the use of different Protocol (paragraph [0019]).

h. As per claims 12 and 23, Genty teaches restricting the VPN tunnel after certain time (paragraphs [0141], [0142]).

2. Claims 6 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Genty et al (2002/0178361).

a. As per claims 6 and 17, Genty teaches the use of a server (figures 1 and 2). Genty does not teach a Radius server. However, it would have been obvious to one skill in the art to substitute a server for another server in order to enhance the quality of the transmission and reduce the costs. Genty's sewer and the Radius server are considered functionally equivalent. In re Brown, 459 F. 2d 531, 535, 173 USPQ

685 (CCPA 1972) and *In re Bond*, 910 F. 2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

3. Claims 7 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Genty et al (2002/0178361) further in view of Vandergeest et al (2002/0169988).

- a. Genty teaches transmitting the authentication information to the server (paragraph [0003], [0011] and [0012]). Genty does not teach the retransmission of the information.
- b. However, Vandergeest teaches it in paragraph [0039].
- c. Therefore, it would have been obvious to one skill in the art to combine the aforementioned inventions in order to allow the user to digitally sign information, or decrypt information using private keys.

(10) Response to Argument

In response to Appellant's argument on item 1 of examiner's remarks in Advisor Action dated 05/25/2006:

1. Examiner would like to quoted the item 1 as following:

“Applicant alleges that the multiple VPN is set up for multiple clients via a single modem. Examiner has re-examined the original specification and claims.

Applicant has stated (abstract) setting up a VPN over a modem for a computer and applying the same method for other computers. There is no specific saying if the connection would happen at the same time over the same modem. There is no specific saying if additional consideration is required in applying the method for more than one computer.”

2. Examiner has simply pointed out that applicant does not say how multiple clients (computers) would be able to establish VPN connections at the same time over the same modem. Appellant's arguments direct to lines 26-29 on page 3, lines 27-29 and Figs. 4a-c in response to examiner's remark as quoted in item 1 above. Appellant's quoted text sections point out that the problem and desired result after resolution. Appellant's quoted Figs. 4a-c teach the procedure of establish VPN connection for multiple clients. However Figs. 4a-c do not show how multiple VPN connections could or would be established for multiple computers. Applicant is silent in what it takes to establish multiple VPN connections. Even if Figs. 4a-c is meant to apply to multiple computers, how multiple VPN connection requests could be coordinated, unless the coordination is taking place in the modem. Thus Figs. 4a-c seems to be merely a program routine in handling incoming

multiple VPN connection requests. This is no specific description on where and how the claimed invention is addressed. Examiner has particularly used Genty to demonstrate how VPN works. It is examiner's belief that Genty has shown Figs. 4a-c in paragraphs 7-18.

In response to Appellant's argument on claim 1 rejection under 35 U.S.C. 102(e) anticipated by Genty:

1. Appellant has specifically argued that examiner has asserted Figs. 1 and 2 per Genty includes all elements of claim 1. Examiner did not assert that Figs. 1 and 2 per Genty includes all elements of claim 1. Instead of examiner has quoted various sections per Genty in showing that Genty has the limitations of claim 1. See item 1.a in section 11 for detail rejection of claim 1. Examiner has also quoted here item a of section 7, i.e.

Response to Arguments in the office action dated 03/15/2006 as following:

"In response to statements on multiple clients establishing multiple VPNs through one modem, the previous action was carefully examined. Genty is found to contain the limitations cited in the argument. The action is updated accordingly. As cited in [0003], Genty shows PVN is for multiple members, i.e. client or client computers. Genty also shows that a client computer would connect via LAN or modem to a network. Genty shows (fig. 1, [0006]-[0007], [0015]-[0018]) PVN is based upon IPsec/IP over the Internet, ISDN is used as a WAN connection, i.e. to connect LAN to WAN, and PVN is used to connect remotes sites or users together. Genty has shown multiple clients establishing multiple VPNs (multiple users) through one modem (multiple sites via ISDN modem) via Internet (WAN

connection). Here the ISDN modem although cited as a leased line connection, it is still the same as a DSL or Cable modem in terms of providing a permanent Internet connection as Genty and Applicants suggest. Thus Genty has the limitations of applicant's argument."

2. In addition, examiner likes to point out as per paragraph 9 of Genty that each remote member of the network is able to communicate in a secure and reliable manner using the Internet as the medium to connect to a private local area network, or "LAN"; A VPN can grow to accommodate more users and different location much more easier than a leased line. Genty has shown the well known property of using VPN over Internet for each remote member of the network to establish connection over a private local area network, or "LAN". As per figure 1 and 2 and paragraphs 6 and 15-18, Genty has shown that IPsec is used to established secured connections, e.g. VPN, between computers over Internet. Per paragraph 6 of Genty, ISDN is used to maintain WAN connection and per paragraph 216 of Genty, a modem is used to connect a computer system to Internet via ISP. Thus LAN is shared among members of the network. WAN is used for interconnect LANs. A modem is used to connect to Internet, i.e. a WAN connection. A modem could be shared for multiple VPN connections as per item 100 in figure 1 and item 200 in figure 2 of Genty. As IPsec is used to implement VPN and a VPN connection is between two computers as shown on figure 2 per Genty, the figure 1 and paragraph 9 per Genty certainly has shown multiple computers per items 130, 150 and 170 must be able to establish multiple VPN connections with either servers (shown in figure 1) or each other. As examiner has further pointed out per item 3 of examiner's remarks in Advisor Action

dated 05/25/2006 that applicant has submitted an IDS with a reference, i.e. Pai et al. (US 6711138 B1) has shown that WAN is connected via DSL for multiple computers in a home network, i.e. a LAN. Thus sharing a modem for multiple computers connecting to a WAN is well known.

In response to Appellant's other arguments on claims 13, 22 and dependent claims 2-5, 8-9, 11-12, 14-16, 19-20 and 23 rejections under 35 U.S.C. 102(e) anticipated by Genty, claims 6 and 17 rejections under 35 U.S.C. 103(a) over Genty and claims 7 and 18 rejections under 35 U.S.C. 103(a) over Genty and further in view of Vandergeest:

1. Appellant has alleged that the same argument per claim 1 applies to independent claims 13 and 22. Appellant has further asserted the allowability of dependent claims 2-9, 11-12, 14-20 and 23 are based upon the allowability of claim 1. Examiner applies the same response of the argument per appellant on claim 1 to independent claims 13 and 22 and maintains the rejections to dependent claims 2-9, 11-12, 14-20 and 23 as per item 1.a through 1.f, items 2 and 3 in section 11 above.

The following arts are identified and not used in the office action dated 03/15/2006.

Examiner has asserted the right to use these arts in later actions.

1. Pai et al. (US 6711138 B1) Digital subscriber line/home phonline network router
2. Bendinelli et al. (US 20020026503 A1) Methods and system for providing network services using at least one processor interfacing a base network: gateway/IAD shared modem

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3. Gonda et al. (US 6662221 B1) Integrated network and service management with automated flow through configuration and provisioning of virtual private networks: shared modem
4. Reid et al. (US 6298308 B1) Diagnostic network with automated proactive local experts

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,


pas

Peling A Shaw


September 26, 2007

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